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11 UNITED STATES OF AMERICA

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14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

Case No. 5:24-po-00158-CDB

17 Plaintiff,

[Citation #E1919202, CA71]

v.

18 ROSANNE MCHENRY,

MOTION TO CONVERT MANDATORY  
19 APPEARANCES TO COLLATERAL; ORDER

20 Defendant.

21 The United States of America, by and through Phillip A. Talbert, United States Attorney, and  
22 Chan Hee Chu, Assistant United States Attorney, hereby moves to convert [Citation #E1919202, CA71]  
23 in Case No. 5:24-po-00158-CDB against Defendant ROSANNE MCHENRY in the interests of justice.

24 The citation in this case was properly issued as a mandatory appearance within the discretion of  
25 the citing officer. Although a violation of 36 C.F.R. § 1.5(f) does not expressly allow for the citation of  
26 a mandatory appearance under the bail schedule for the Eastern District of California, the citing officer  
relied on one of the authorized discretionary bases. Specifically, the citing officer issued a mandatory  
citation because Defendant had committed the same offense on “prior occasions.” Defendant had  
allegedly passed multiple closed signs prior to being finally issued a citation for that offense.

Although the citation was issued properly as a mandatory citation, the United States seeks to convert the citation to a collateral amount. Based on the available information, while Defendant did violate the regulation at issue multiple times, the misconduct took place ultimately on one drive. The United States therefore believes a collateral amount of \$250, with a \$30 dollar processing fee, to be a fair outcome under these circumstances. *See also James & Elizabeth Console Fam. v. United States*, No. 23-CV-652-DMS-BLM, 2023 WL 6120609, at \*4 (S.D. Cal. Sept. 18, 2023) (“Prosecutorial discretion is defined as [a] prosecutor’s power to choose from the options available in a criminal case, such as filing charges, prosecuting, not prosecuting, plea-bargaining, and recommending a sentence to the court.” (internal quotation mark and citation omitted)).

DATED: August 12, 2024

Respectfully submitted,

PHILLIP A. TALBERT  
United States Attorney

By: /s/ Chan Hee Chu  
CHAN HEE CHU  
Assistant United States Attorney

## ORDER

IT IS HEREBY ORDERED, on the motion of the United States of America, that [Citation #E1919202, CA71] in Case No. 5:24-po-00158-CDB against ROSANNE MCHENRY be converted to a bailable citation with a collateral amount of \$250, \$10 special assessment, with an additional \$30 in processing fee.

IT IS SO ORDERED.

Dated: August 12, 2024

  
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UNITED STATES MAGISTRATE JUDGE